

**367.46999 Penalties for violation -- Concurrent enforcement powers of Attorney General.**

- (1) Any person, including, but not limited to, a merchant, a telemarketer, a salesperson, agent or representative of the merchant, or an independent contractor, who knowingly violates any provision of KRS 367.46951 to 367.46999 or engages in any act, practice, or course of business which operates or would operate as fraud or deceit upon any person in connection with a sale shall be guilty of a Class D felony, except that any person who violates KRS 367.46955(7) to (16) shall be guilty of:
  - (a) A Class B misdemeanor for the first offense that shall be punishable by imprisonment of not more than ninety (90) days, or a fine of no more than five hundred dollars (\$500), or both; and
  - (b) A Class A misdemeanor for any subsequent offense that shall be punishable by imprisonment of not more than one (1) year, or a fine of not more than five thousand dollars (\$5,000), or both.
- (2) Notwithstanding any other provision of law, in addition to the penalties provided in this section, any person found guilty of violating KRS 367.46955(9) shall pay restitution of any financial benefit secured through conduct proscribed by KRS 367.46955(9).
- (3) The Office of the Attorney General shall have concurrent enforcement powers as to such felonies and misdemeanors.
- (4) (a) Notwithstanding other criminal and administrative remedies, a person or class of persons alleging:
  1. Receipt of a call in violation of KRS 367.46955(9); or
  2. That a number assigned to the person was misleadingly transmitted as a caller identification number by a solicitor in violation of KRS 367.46955(9);may bring a civil action in the county where the plaintiff resides or has his or her principal place of business, against any person who is responsible for or who knowingly participated in the violation.
- (b) The civil action brought under paragraph (a) of this subsection may be for:
  1. Appropriate injunctive relief;
  2. Actual damages;
  3. Actual expenses incurred, including court costs and attorney's fees; and
  4. Punitive damages.

**Effective:** June 27, 2019

**History:** Amended 2019 Ky. Acts ch. 105, sec. 2, effective June 27, 2019. -- Amended 2018 Ky. Acts ch. 145, sec. 2, effective July 14, 2018. -- Amended 1998 Ky. Acts ch. 581, sec. 4, effective July 15, 1998. -- Created 1994 Ky. Acts ch. 302, sec. 14, effective July 15, 1994; and ch. 463, sec. 14, effective July 15, 1994.